

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Telecommunications Relay Services
and Speech-to-Speech Services for
Individuals with Hearing and Speech
Disabilities

CC Docket No. 98-67

DEC 22 4 43 PM '03

FCC/DOCKET

ORDER

Adopted: December 18, 2003

Released: December 19, 2003

By the Chief, Consumer & Governmental Affairs Bureau:

1. On December 31, 2001, the Wireline Competition Bureau¹ released the *TRS Waiver Order*² granting Video Relay Service³ (VRS) providers a two year waiver of certain telecommunications relay services⁴ (TRS) mandatory minimum standards. The waivers were for: (1) types of calls that must be handled; (2) emergency call handling; (3) speed of answer; (4) equal access to interexchange carriers; and (5) pay-per-call services.⁵ These waivers expire on December 31, 2003.

2. In September 2003, Hamilton Relay, Inc., Hands On Video Relay Services, Inc., and

¹ Formerly, the Common Carrier Bureau.

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket 98-67, DA 01-3029, 17 FCC Rcd 157 (Dec. 31, 2001) (*TRS Waiver Order*).

³ Video Relay Service is a form of telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the communications assistance to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller. See 47 C.F.R. § 64.601(12).

⁴ Telecommunications relay services are telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. See 47 C.F.R. § 64.601(8); 47 U.S.C. § 225.

⁵ See 47 C.F.R. §§ 64.604(a)(3), (a)(4), (b)(2), (b)(3), (b)(6).

AT&T Corp. filed petitions to, among other things, extend these VRS waivers.⁶ In October 2003, these *Petitions* were placed on Public Notice.⁷ In response to the Public Notices, three parties filed comments.⁸ No reply comments were filed. All parties to this proceeding generally support extending the waivers granted in the *TRS Waiver Order*.

3. The Commission's TRS regulations set forth operational, technical, and functional mandatory minimum standards applicable to the provision of TRS.⁹ These standards apply to all forms of TRS when they are offered, unless they are waived. Therefore, for a provider to be eligible for reimbursement from the Interstate TRS Fund for the provision of TRS, the provider must either meet all applicable mandatory minimum standards or request and receive a waiver of the standards.¹⁰

4. The waiver *Petitions* are presently before the Commission. To ensure that the Commission has sufficient time to review the *Petitions*, and at the same time to ensure that VRS service can continue to be provided in compliance with applicable regulations after December 31st of this year, in this *Order* the Consumer & Governmental Affairs Bureau (Bureau), pending the Commission's consideration of the *Petitions* pursuant to established standards for waiver of Commission rules, extends for six months the VRS waivers granted in the *TRS Waiver Order* that are scheduled to expire on December 31, 2003.¹¹ The Bureau therefore grants VRS providers a six-month extension of the following previously granted waivers: (1) types of call that must be handled; (2) emergency call handling; (3) speed of answer; (4) equal access to interexchange carriers; and (5) pay-per-call services.

⁶ Hamilton Relay, Inc. (Hamilton), *Petition for Waiver Extension*, filed September 15, 2003; Hands On Video Relay Service, Inc. (Hands On), *Petition for Waiver*, filed September 22, 2003; AT&T Corp. (AT&T), *Petition for Limited Reconsideration and for Waiver*, filed September 23, 2003 (collectively, *Petitions*).

⁷ *Hamilton Relay, Inc. and Hands On Video Relay Service Inc. Petitions for Waiver Extension, Permanent Waiver, and Clarification of Video Relay Service Requirements*, Public Notice, CC Docket No. 98-67, DA 03-3036 (Oct. 6, 2003); *AT&T Corp. and Verizon File Petitions For Reconsideration of Telecommunications Relay Service Requirements from the Second Improved TRS Order and NPRM, FCC 03-112*, Public Notice, CC Docket No. 98-67, CG Docket No. 03-123, DA 03-3109 (Oct. 8, 2003).

⁸ See, e.g., Comments and Request for Clarification, filed by Communication Services for the Deaf, Inc., October 20, 2003; Comments of Sorenson Media, Inc., filed by Sorenson Media, Inc., October 20, 2003; Comments of Sprint Corporation, filed by Sprint Corporation, October 20, 2003; *Ex Parte* Amendment to Comments on *Petitions for VRS Waivers*, filed by Communication Services for the Deaf, Inc., November 25, 2003.

⁹ See 47 C.F.R. § 64.604.

¹⁰ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67, FCC 00-56, 15 FCC Rcd 5140 at ¶ 39 (March 6, 2000) (*Improved TRS Order & FNPRM*).

¹¹ Other issues raised in the *Petitions* will also be addressed in a future Commission order.

5. Accordingly, these waivers will expire on June 30, 2004, or upon the release of a further order addressing these waivers, whichever comes first.

6. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Sections 0.141, 0.361, 1.3 of the Commission Rules, 47 C.F.R. §§ 0.141, 0.361, 1.3, this *Order* is ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

K. Dane Snowden

Chief, Consumer & Governmental Affairs Bureau